

COMMITTEE AMENDMENT FORM

DATE: 11/26/08

COMMITTEE ZONING

PAGE NUM. (S)

ORDINANCE I. D. #08-O-1468

SECTION (S)

RESOLUTION I. D. #08-R-

PARA.

AMENDS THE LEGISLATION BY ADDING FOURTEEN (14) CONDITIONS.

AMENDMENT DONE BY COUNCIL STAFF 11/26/08

City Council
Atlanta, Georgia

08-O-1468

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-08-53
Date Filed: 7-2-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **359 East Paces Ferry Road, N.E.**, be changed from the C-3 (Commercial Residential) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and Land Lot 61, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-08-53 for 359 E. Paces Ferry Road, N.E.

1. Except as otherwise provided in this condition 1, development will be restricted to the following maximums:

	<u>Non-residential</u>	<u>Residential</u>
Parcel A	85,000 SF	40,000 SF
Parcel B	250,000 SF	100,000 SF
Parcel C	210,000 SF	0 SF
Parcel D	325,000 SF	264,000 SF
Parcel E	<u>120,000 SF</u>	<u>100,000 SF</u>
Total	990,000 SF	504,000 SF

Subject to compliance with all other ordinances, regulations, and conditions applicable to the Parcels, (a) the above densities may be moved from Parcel to Parcel, (b) residential square footage may be exchanged for an equal amount of nonresidential square footage and (c) nonresidential square footage may be exchanged for an equal amount of residential square footage. The total aggregate development on all the Parcels shall not exceed 1,494,000 square feet. Below grade storage areas shall not be included in the calculation of the development maximums in this Condition 1.

2. Parcels A, B, C, D and E will contain an aggregate minimum of 25,000 square feet of landscaped area, including any square feet donated to the City of Atlanta or other qualified entity as park space. That figure will include a publicly accessible landscaped area of not less than 21,250 contiguous square feet on Parcel D, the control of which will remain with Applicant or another private entity.
3. Applicant will require that any hotel and residential association in the development on the site become a member of the Buckhead Area Transportation Management Association (BATMA) prior to the issuance of a certificate of occupancy for each such use. At least one level of each parking garage and parking deck shall be van pool accessible.
4. The Applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta, whichever is greater, in the aggregate on Parcels A, B, C, D and E. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.
5. Permanent storm water detention shall be located below grade or will not be visible for the public right-of-way. The project, upon completion, shall release storm water runoff at a rate equal to 65% or less of the predevelopment storm water runoff rate.

6. All dumpsters will be screened from public rights-of-way.
7. Exterior lighting on buildings and parking decks shall be designed, shielded and constructed so as to minimize light spill into single-family areas.
8. Prior to the beginning of demolition of each parcel, a demolition management plan for demolition traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Likewise, prior to the beginning of construction of each parcel, a construction management plan for construction traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Specifically with regard to Parcel D, the plan for construction traffic will be coordinated with the Suzuki School (if it is then located across from Parcel D) to minimize conflicts with school traffic. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning prior to issuance of a Special Administrative Permit.
9. These conditions of zoning shall be binding upon all successors and assigns of the Applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. The Applicant will not request any administrative amendment without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B which seeks to:
 - (a) increase the square footage of any building or the number and/or location of parking spaces; except as provided in paragraph 1;
 - (b) change any of the uses or location of said uses specified except as provided in paragraph 1;
 - (c) decrease any required exterior setback or the amount of landscaped area;
 - (d) materially reduce public access or public spaces; or
 - (e) otherwise materially alter these conditions.

The Applicant will have the right to request administrative changes without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta or to address site conditions.

10. The Applicant, with the support of NPU B, shall request and support appropriate legislation that will require that all transportation impact fees generated from this development will be used to mitigate traffic on the streets in the area surrounding the development. Evidence of compliance with these conditions shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.

11. Any public commercial dry cleaning facilities shall be a collection facility only and shall not contain dry cleaning equipment except for laundry/dry cleaning facilities within hotels and residential buildings and serving those uses.
12. The developer will use best efforts to ensure that all non-residential buildings will be constructed in a manner designed to limit environmental and energy impacts.
13. All of these narrative conditions shall be printed on the final site plan filed with the City of Atlanta.
14. Within sixty days of completion of demolition of the improvements on a Parcel, the developer shall commence development on the Parcel or plant grass on the entire Parcel as an interim measure.

City Council
Atlanta, Georgia

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SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA IN LAND LOT 61 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EAST PACES FERRY ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF GRANDVIEW AVENUE; THENCE RUNNING SOUTH 69 DEGREES 12 MINUTES 05 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EAST PACES FERRY ROAD. 214.1 FEET TO A POINT MARKED BY A NAIL; THENCE RUNNING SOUTH 12 DEGREES 53 MINUTES 55 SECONDS WEST 217.2 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE BUCKHEAD AVENUE; RUNNING THENCE NORTHWESTLY ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BUCKHEAD AVENUE AND FOLLOWING THE CURVATURE THEREOF, AN ARC DISTANCE OF 155.65 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD RUNNING NORTH 77 DEGREES 10 MINUTES 39 SECONDS WEST 155.19 FEET FROM THE PRECEDING POINT, HAVING A RADIUS OF 584.18 FEET), SAID POINT BEING TH INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF GRANDVIEW AVENUE; THENCE RUNNING NORTH 00 DEGREES 04 MINUTES 35 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF GRANDVIEW AVENUE. 253.3 FEET TO THE POINT OF BEGINNING, CONTAINING 0.956 ACRES. AS PER SURVEY FORMIXON-FRANKEL, LTD., CONNECTICUT MUTAL LIFE INSURANCE COMPANY & CHICAGO TITLE INSURANCE COMPANY, DATED AUGUST 18, 1988, PREPARED BY SOLAR LAND SURVEYING COMPANY. BEING IMPROVED PROPERTY KNOW AS 359-381 EAST PACES FERRY ROAD.

7-08-53

